

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Transfer No. \_\_\_\_\_

Total acres \_\_\_\_\_

**PART 1****6. General Information:**

a. Description of diversion system \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Remarks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_

4. Date or priority \_\_\_\_\_

5. Water is used for the following purpose:

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

\_\_\_\_\_ If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

[illegible]

**SCALE: 2 inches equal 1 mile. Draw plan in ink.**

**PART 3****B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

\_\_\_\_\_  
(Signature of Applicant)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by \_\_\_\_\_ Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \_\_\_\_\_

Receipted by \_\_\_\_\_ Date \_\_\_\_\_

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**INSTRUCTIONS FOR FILING AN  
APPLICATION FOR TRANSFER OF A WATER RIGHT**

Under Section 42-222, **Idaho Code**, any person entitled to the use of water under licensed, decreed or claimed water right(s) on record with the Department of Water Resources who wishes to change the point of diversion, place of use, period of use or nature of use of a water right(s) must apply to the Department for approval of the change.

The application consists of three parts: Part 1 describes the right(s), or portion thereof, as it will exist after the proposed change. This part will reflect any changes made in the four components of a water right listed above. Multiple water rights can be described in this section.

Part 2 describes a water right as it is presently recorded with the state. When the application proposes the transfer of a portion of the recorded right, that portion proposed to be transferred must be set forth in Part 2. For an application for transfer of multiple water rights, a separate Part 2 must be completed for each water right and made a part of the application.

Part 3 includes a grid for drawing a plat map or attaching a copy of a U.S.G.S. map to illustrate the locations for the point(s) of diversion and place(s) of use identified on Part 1. When a transfer proposes a change in the nature of use, this change should be clarified in Part 3.

**PART 1**

**A. PURPOSE OF TRANSFER**

1. Check the item or items that identify the purposes of this transfer.
2. Briefly explain why these changes are being requested.

**B. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

1. Write in the water right number, priority date, amount of water in cubic feet per second or acre feet if for storage, nature of use, and period of use (dates inclusive) for each right or portion of right proposed to be changed as a result of this transfer.

**EXAMPLE:**

<u>Right Number</u>	<u>Priority</u>	<u>Amount</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>35-00199</u>	<u>Apr. 1, 1956</u>	<u>4.0 cfs</u>	<u>Irrigation</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
		<u>0.5 cfs</u>	<u>Stockwater</u>	<u>Jan. 1</u> to <u>Dec. 1</u>
<u>35-09001</u>	<u>Sept. 3, 1985</u>	<u>1200 acre-feet</u>	<u>Storage for irr.</u>	<u>Apr. 1</u> to <u>Nov. 1</u>
		<u>1200 acre-feet</u>	<u>Irr. from storage</u>	<u>Apr. 1</u> to <u>Nov. 1</u>

2. Write the total amount of water to be transferred. A water right given in miner's inches should be multiplied by 0.02 for conversion to cubic feet per second.

**EXAMPLE:**

Total amount of water being transferred: a. 4.0 cubic feet per second and/or 1200 acre feet per annum.

3. Write in the name of the source of the water recorded for diversion and beneficial use under the water right(s) being transferred.
4. Write in the legal description for the point(s) of diversion to be used after the change. Location should be described by U.S Government Lot and/or 40-acre tract subdivision, except for springs, the location of which must be described by ten-acre subdivision. The description must also state the county in which the diversion is located. When the diversion is known locally by a specific name, the name of the diversion should be listed.

**EXAMPLE:**

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
4	SW	NE	NW	14	10S	14E	Twin Falls	McCormick Ditch

5. List the place of use of all water uses identified in item 1, Section B, above. The location should show township, range, section and each 40-acre tract where water will be used. To designate irrigation and irrigation storage, show the number of acres irrigated in each 40-acre tract. For uses other than irrigation, identify each use in the 40-acre tract using the symbol shown on the table below.

**EXAMPLE:**

Twn	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	21	40		4	4					4			40		40	40		172
10S	14E	21	S													S			

Total acres 172

Use Symbols:

Stockwater – S  
Industrial – I  
Commercial – C  
Mining – X  
Wildlife – W

Domestic – D  
Fish Propagation – H  
Fire Protection – F  
Aesthetic – J  
Heating – G

Cooling – L  
Recreation – R  
Power – P  
Groundwater Recharge – E  
Municipal – M

6. a. Describe the complete diversion system giving sizes and/or dimensions of pumps, pipelines, headgates, ditches, dams, impoundments, etc.
- b. If the application proposes a transfer of water rights from lands subject to legal encumbrance, written permission from the encumbrance holder must be submitted in affidavit form with the transfer application.
- c. If the transfer will change the place of use of the original water right(s), provide a brief statement explaining the future use of the land from which the water right(s) is being removed.
- d. The remarks section should be used to relate any pertinent information which might be helpful to the Department in understanding the purpose, benefits and effects of the transfer.

**PART 2****A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right as evidenced by:
- a. If the right was established by a court decree, show the number of assigned to the right by the Department (if known), the name of the person to whom the right was decreed, the case in which the right was decreed, the date the decree was signed by the judge, the name of the court in which the decree was executed, and the county in which the court was located. (Example: Decree No. **01-0324** Decreed to **John H. Doe** in the case of **John J. Doe** vs. **William R. Smith**, dated **June 15, 1921**, in the **4<sup>th</sup> District Court, County of Cassia**.)
- b. If the right is based on a license obtained through the statutory procedure of the State of Idaho, show the license number.
- c. If the right is based on a "Claim to a Water Right" established by the diversion and beneficial use of water, and is not recorded by a decree of court or license from the Department, indicate the claim number. If no claim has been filed, then a claim must be submitted before filling an Application for Transfer.
- d. If the right was previously transferred through the statutory procedure of the State of Idaho, show the transfer number assigned by the Department.



2. To change a water right, the applicant must provide proof of ownership of the land covered by the water right. If the water right is appurtenant to land owned by another party, the applicant must obtain both a notarized statement from the owner authorizing the transfer and proof the authorizing party owns the land. Verification of ownership can be satisfied by attaching a copy of last year's tax notice for the property to which the water right appurtenant or other documents which show ownership.
3. Give the source of water and the major stream to which it is a tributary.
4. Show the date of priority of the license or decreed right, or the priority claimed under a claim to a water right.
5. Show the amount of water in cubic feet per second or acre feet per annum, the use of the water, and also the period of the year during which the right is used. (*Example: Amount **3.2 cfs** for **irrigation** purposes, from **April 1**, to **October 31**.)*)
6. Indicate the total amount of water as described in said right.
7. Write the legal description(s) for the point(s) of diversion that has been recorded for use with this water right. The description should be by the U.S Government Lot and/or 40-acre subdivision tract.
8. List the place of use of all uses identified in item 5 above. The location should show township, range, section and each 40-acre tract identified as a place of use by the water right. To designate the various uses of a water right, refer to item 5, Section B, Part 1.
9. List the water right number of any water right used for the same purpose. This includes any supplemental water rights from the same source or different sources.
10. This item must be completed for the application to be accepted.

#### **B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

This portion of the application is to be completed if the applicant owns only a portion of the water right or if the change will separate a portion of the right from the original by diverting it through a different system. If the applicant owns all of the right and the application proposes a change of the entire right, part B should be left blank.

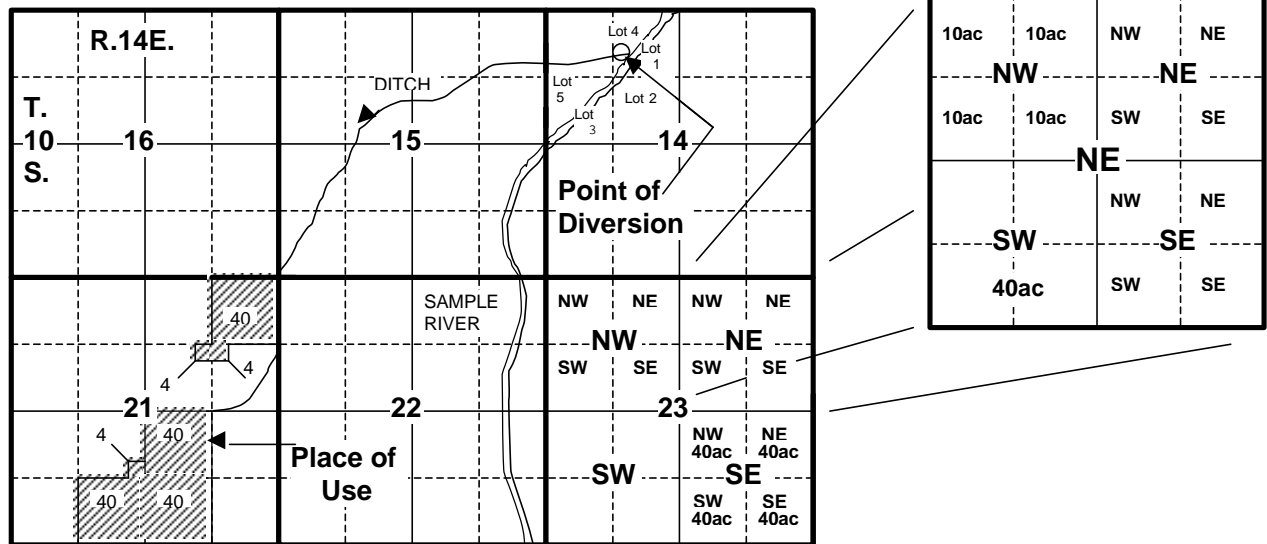
1. The quantity of water being transferred is normally determined by calculating the amount of water appurtenant to one acre and then multiplying by the number of acres listed in item 3 below, unless the amount of water is specifically stated in a warranty deed or instrument of conveyance.
2. List the legal description for the point(s) of diversion used to divert water to the place of use identified in item 3 below.
3. List the legal description for that portion of the right shown in item 5, Section B, Part 1 that will be affected by this transfer.

#### **C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT**

### **PART 3**

#### **A. PLAT MAP**

Prepare a plat map clearly showing the location of the points of diversion along with any stream, proposed reservoirs, dams, canals, ditches, pipelines, wells and other works proposed to be used in the conveyance and diversion of water. The map must also clearly show the location of lands to be irrigated or the place of use. Legal designations including townships, ranges, sections, and government lots must be evident or labeled for the map to be complete. In lieu of drawing a plat map, a copy of a U.S.G.S. quadrangle map with scale 1:24,000 can be attached to the application and the necessary components identified. An example of a correctly completed map is shown on the following page. For illustrative purposes, Section 23 has been labeled to show 10-acre, 40-acre, and 160-acre designations.



An aerial photo of the place of use and the point of diversion is always a beneficial addition to an application especially when the section corners have been labeled. An aerial photo, however, is **not** to be considered a substitute for the map.

## B. CHANGE IN THE NATURE OF USE

1. When an application is filed intending to change the nature of use of a water right, it is extremely important that the new use be described fully. This description must include the rate at which water will be diverted, and the length of time the diversion will occur. The duration of use must specify how many hours per day the diversion will take place, the number of days the water will be used per year and the month and day when the use will commence and cease.
2. Normally some of the water diverted will return to the hydrologic system either in the form of runoff, seepage, percolation or waste water discharge. Inherent with the change in the nature of use may be a change in the quality of water not consumed. Both the quantity and the quality of return flows should be documented. A legal description of where the return flows are discharged should also be provided.
3. Changing the nature of use for a portion or all of a water right may impact other water users. These effects should be described whether or not they are beneficial or adverse. The application should be signed in the presence of a notary public and submitted to the regional office responsible for administrating water rights in the area where the transfer is proposed. The application must be accompanied by a filing fee, documentation to verify ownership, and, if necessary, authorization for filing the application.

## FEE SCHEDULE BASED ON TOTAL QUANTITY TO BE TRANSFERRED

See Fee Schedule

Your application and fee may be submitted to one of the following offices:

### Northern Region

Idaho Dept. of Water Resources  
1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814

Tel. - 769-1450  
FAX - 769-1454

### Eastern Region

Idaho Dept. of Water Resources  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402

Tel. - 525-7161  
FAX - 525-7177

### Southern Region

Idaho Dept. of Water Resources  
1341 Fillmore St., Suite 200  
Twin Falls, ID 83301

Tel. - 736-3033  
FAX - 736-3037

### Western Region

Idaho Dept. of Water Resources  
2735 Airport Way  
Boise, ID 83705

Tel. - 334-2190  
FAX - 334-2348

## FEE SCHEDULE

Transfer fees (cfs = cubic feet per second -- AF = Acre feet)

cfs		AF		cfs		AF	
0.00 -- 0.20		0 -- 20	\$100.00	11.01 -- 12.00		1101 -- 1200	\$690.00
0.21 -- 1.00		21 -- 100	\$250.00	12.01 -- 13.00		1201 -- 1300	\$730.00
1.01 -- 2.00		101 -- 200	\$290.00	13.01 -- 14.00		1301 -- 1400	\$770.00
2.01 -- 3.00		201 -- 300	\$330.00	14.01 -- 15.00		1401 -- 1500	\$810.00
3.01 -- 4.00		301 -- 400	\$370.00	15.01 -- 16.00		1501 -- 1600	\$850.00
4.01 -- 5.00		401 -- 500	\$410.00	16.01 -- 17.00		1601 -- 1700	\$890.00
5.01 -- 6.00		501 -- 600	\$450.00	17.01 -- 18.00		1701 -- 1800	\$930.00
6.01 -- 7.00		601 -- 700	\$490.00	18.01 -- 19.00		1801 -- 1900	\$970.00
7.01 -- 8.00		701 -- 800	\$530.00	19.01 -- 20.00		1901 -- 2000	\$1010.00
8.01 -- 9.00		801 -- 900	\$570.00	20.01 -- 100.00		2001 -- 10000	*
9.01 -- 10.00		901 -- 1000	\$610.00	101.01 -- 500.00		10001 -- 50000	**
10.01 -- 11.00		1001 -- 1100	\$650.00	500.01 & over		50001 & over	***

\* \$1010.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 20.0 cfs or 2,000 acre feet.

\*\* \$2610.00 plus \$10.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 100.0 cfs or 10,000 acre feet.

\*\*\* \$6610.00 plus \$2.00 for each additional 1.0 cfs or part thereof or 100 acre feet or part thereof over the first 500.0 cfs or 50,000 acre feet.